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**JUL 2 8 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Farrokh Ayazi, Siavash Pourkamali, and Seong	:	
Yoel No	:	DECISION ON RENEWED
Application No. 10/632,176	:	PETITIONS UNDER
Filed: July 31, 2003	:	37 C.F.R. §§ 1.183, 1.48(A), AND
Attorney Docket No. 062020-1440	:	1.47(A)
Title: CAPACITIVE RESONATORS AND	:	
METHODS OF FABRICATION	:	

This is in response to the renewed petitions under 37 C.F.R. §§1.47(a)<sup>1</sup>, and 1.48(a)<sup>2</sup>, each filed concurrently on April 7, 2004. The latter is properly treated as a joint petition under 37 C.F.R. §§1.48(a) and 1.183, requesting both that the non-signing inventor be deleted as an inventor, and

1 A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

2 A grantable petition under 37 C.F.R. §1.48(a) requires:

- 1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

that 37 C.F.R. §1.48(a)(2) be waived. It is noted that the renewed petition contains a certificate of mailing dated April 5, 2004.

On July 31, 2003, the application was deposited, identifying Farrokh Ayazi, Siavash Pourkamali, and Seong Yoel No as joint inventors. The application was deposited without a fully executed oath or declaration. On October 29, 2003, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a new declaration would be required<sup>3</sup>, along with a surcharge of \$130.00. This Notice set a two-month period for reply.

On November 24, 2003, the original petition under 37 C.F.R. §1.47(a) was received, and was dismissed via the mailing of a decision on February 5, 2004, for failure to meet the fourth requirement above.

The renewed petition under 37 C.F.R. §1.183:

The Petitioner has submitted the petition fee, which has been charged to Petitioner's deposit account, as authorized in the petition. Petitioner has also established that a diligent effort was undertaken to locate the individual who is to be deleted as an inventive entity. The last known address of the same was submitted in the original petition.

37 C.F.R. §1.48(a)(2) sets forth that a statement is required "from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part." It has been determined that justice requires that the requirement that the Petitioner provide a statement from the person being deleted as an inventor be suspended.

As such, the petition under 37 C.F.R. §1.183 is hereby **GRANTED**, and 37 C.F.R. §1.48(a)(2) is hereby **WAIVED**, to the extent set forth above.

The renewed petition under 37 C.F.R. §1.48(a):

With the renewed petition, Petitioner has submitted a request to correct the inventorship that sets forth the desired change in the same, the processing fee (which has been charged to Petitioner's deposit account, as authorized in the renewed petition), an acceptable declaration, and the written consent of the assignee. As set forth above, the requirement that a statement be provided from the person being deleted as an inventor has been waived.

Therefore, the petition under 37 C.F.R. §1.48(a) is **GRANTED**. The previously non-signing joint inventor will no longer be listed as an inventor associated with the above-identified application.

A corrected filing receipt has been enclosed with this decision.

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<sup>3</sup> The declaration was not executed by the third joint inventor. Furthermore, the declaration listed neither a residence nor a post office address for the non-signing inventor.

The petition under 37 C.F.R. §1.47(a):

In light of the deletion of the Seong Yoel No, and the associated correction of inventorship, the petition under 37 C.F.R. §1.47(a) is hereby **DISMISSED AS MOOT**.

After the mailing of this decision, the application will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**

Encl. Corrected Filing Receipt